



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

MEYER-SIEGLER

Serial No.: 10/644,797

Filed: September 15, 2006

For: SERUM MACROPHAGE  
MIGRATION INHIBITORY  
FACTOR AS MARKER FOR  
PROSTATE CANCER

Confirmation No. 7390

Examiner: S. L. Rawlings

Group Art Unit: 1643

Attorney Docket No. 111828-00109

## DECLARATION UNDER 37 C.F.R. 81.132

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 15, 2006, the undersigned declare as follows.

The undersigned is the sole inventor named in the above-captioned patent application.

The undersigned is a co-author of a publication by Meyer-Siegler et al. (Macrophage Migration Inhibitory Factor Evaluation Compared with Prostate Specific Antigen as a Biomarker in Patients with Prostate Carcinoma. *Cancer*. March 1, 2002, Vol. 94, No. 5, pp. 1449-1455) which has been applied against the claims of the above-identified application.

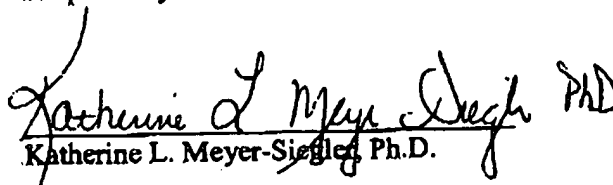
The publication was published less than a year prior to the priority date of the present application.

Considered  
SR  
2/20/07

The other co-authors of the publication, namely Michael A. Bellino and Myron Tannenbaum, of the publication are not co-inventors of the invention disclosed in the publication or of the invention claimed in the present application. Mr. Bellino was a laboratory technician and performed experiments at the direction and supervision of the undersigned. Dr. Tannenbaum was a pathologist who, at the request of the undersigned, reviewed patient records to confirm results obtained by the undersigned. Thus, Mr. Bellino and Dr. Tannenbaum assisted in the publication effort but were not co-inventors of the subject matter disclosed in that publication or claimed in the above-identified patent application.

The undersigned hereby declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

  
Katherine L. Meyer-Siegle, Ph.D.

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